



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
COMMERCE AND TRADE**

Tuesday, December 8, 2015

10:30 a.m.

Room 519 House Office Building

The House Standing Committee on Commerce and Trade was called to order by **Representative Joseph Graves**, Chair.

MEMBERS PRESENT: Representatives Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Byrd, Geiss, Love and Moss.

MEMBERS ABSENT/EXCUSED: Representative Garrett.

Representative Sheppard moved to adopt the minutes from the **December 1, 2015**, meeting. There being no objection, the motion prevailed by unanimous consent.

Chair Graves laid **SB 492, SB 493, HB 5070, HB 5071, HB 5072** and **HB 5073** before the committee:

SB 492	(Brandenburg)	Businesses; franchises; employer responsibilities for employees; allocate between franchisor and franchisee.
SB 493	(Proos)	Worker's compensation; employers; conditions that determine when a franchisor is an employer of an employee of a franchisee; establish.
HB 5070	(Leutheuser)	Labor; health and safety; franchisee and franchisor responsibility as employer under the Michigan occupational safety and health act; clarify.
HB 5071	(Somerville)	Labor; hours and wages; employer responsibility for employees; allocate between franchisor and franchisee.
HB 5072	(Jenkins)	Labor; hours and wages; franchisor responsibility for minimum wage violations; clarify.
HB 5073	(Garcia)	Employment security; employers; franchisee and franchisor responsibility for contributions and benefits; clarify.

Representative Townsend offered and moved to adopt the following amendment to **SB 492**:

1. Amend page 1, line 5, after "AGREEMENT" by inserting "**OR OTHERWISE SPECIFIED BY FEDERAL LAW. NOTHING IN THIS SECTION IS INTENDED TO**

INTERFERE WITH A DECISION OF THE NATIONAL LABOR RELATIONS BOARD CONCERNING JOINT EMPLOYER STATUS".

The motion did not prevail by a vote of **6-11-0**.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,
Nays: Representatives Graves, Sheppard, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,
Pass: None.

Representative Sheppard moved to report **SB 492** with recommendation.

The motion prevailed by a vote of **11-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,
Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,
Pass: None.

Representative Sheppard moved to report **SB 493** with recommendation.

The motion prevailed by a vote of **11-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,
Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,
Pass: None.

Representative Leutheuser moved to report **HB 5070** with recommendation.

The motion prevailed by a vote of **12-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,
Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,
Pass: None.

Representative Glenn moved to report **HB 5071** with recommendation.

The motion prevailed by a vote of **12-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,
Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,

Pass: None.

Representative Jenkins moved to report **HB 5072** with recommendation.

The motion prevailed by a vote of **12-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,

Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,

Pass: None.

Representative Garcia moved to report **HB 5073** with recommendation.

The motion prevailed by a vote of **12-6-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser,

Nays: Representatives Schor, Townsend, Byrd, Geiss, Love and Moss,

Pass: None.

The following individuals submitted a card but did not wish to speak:

Tony Daunt, representing the Michigan Freedom Fund, supports the bills.

Bill Black, representing the Teamsters, opposes SB 492.

Bret Marr from Muchmore Harrington, representing the Michigan Restaurant Association, supports the bills.

Representative Moss moved to excuse Representative Garrett from the committee. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 10:47 a.m.

Representative Joseph Graves, Chair
House Standing Committee on Commerce and Trade

Malika Abdul-Basir

Committee Clerk

517-373-7256

17 Minutes